

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD J. DITZIK

Plaintiff,

v.

VIEWSONIC CORPORATION;
SAMSUNG ELECTRONICS AMERICA, INC.;
NEC MITSUBISHI ELECTRONICS
DISPLAY OF AMERICA, INC.;
PLANAR SYSTEMS, INC.;
DELL, INC.; and COMPUSA, INC.,

Defendants.

Case No. 03-CV-74043
Honorable Gerald E. Rosen
Magistrate Judge Paul J. Komives

**ORDER DENYING DEFENDANT NEC-MITSUBISHI ELECTRONICS DISPLAY OF
AMERICA, INC.'S MOTION TO ENFORCE PROTECTIVE ORDER OR, IN THE
ALTERNATIVE, TO AMEND PROTECTIVE ORDER (Doc. Ent. 247)**

On January 6, 2005, defendant NEC-Mitsubishi Display of America, Inc. (NEC-Mitsubishi) filed the above-described motion. (Doc. Ent. 247 [Mtn.]). Defendant NEC-Mitsubishi sought an order “requiring that all persons representing Plaintiff Richard J. Ditzik who have access to information designated as ‘Highly Confidential’ immediately cease any participation in the reexamination before the U.S. Patent and Trademark Office (‘PTO’) of U.S. Patent No. 6,064,373 (Reexamination Serial No. 90/007,100) or any reexamination regarding patents in the field of invention of the patents at issue.” Mtn. at 2. Alternatively, defendant NEC-Mitsubishi sought amendment of the protective order “to prohibit participation in reexaminations regarding patents in the field of invention of the patents at issue by anyone representing Plaintiff who has access to NMDA’s highly confidential information.” Mtn. at 2.

Plaintiff filed a response on January 24, 2005. (Doc. Ent. 277 [Rsp.]).¹ On February 7, 2004, defendant NEC-Mitsubishi filed a reply. (Doc. Ent. 292 [Rpl.]).² On February 24, 2005, Judge Rosen referred this motion to me for hearing and determination.

On March 9, 2005, I held a hearing regarding the instant motion.³ The transcript of this hearing was filed with the Court on March 18, 2005. (Doc. Ent. 321 [Trans.]).

As stated from the bench at the conclusion of the hearing on this motion, defendant NEC-Mitsubishi's motion is DENIED. (Doc. Ent. 321 at 60-61).

The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of ten days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).

IT IS SO ORDERED.

Dated: May 11, 2005

s/Paul J. Komives
PAUL J. KOMIVES
UNITED STATES MAGISTRATE JUDGE

¹Exhibits A, B, and C of this response were filed under seal. (Doc. Ent. 280).

²On February 10, 2005, defendant Samsung Electronics America, Inc. filed a reply to plaintiff's response to the instant motion. (Doc. Ent. 295). On the same day, defendant Dell, Inc. also filed a reply to plaintiff's response to the instant motion. (Doc. Ent. 296).

³Washington, D. C., attorney Anthony H. Son spoke on defendant NEC-Mitsubishi's behalf. Attorney Ernie L. Brooks spoke on plaintiff's behalf.